

TOWN OF MANCHESTER, CT
Seasonal Outdoor Dining Area
Permit Requirements Acknowledgement Form

1) OPERATION AND SERVICE REQUIREMENTS:

- a. Seasonal outdoor dining areas may operate between April 1 and October 31 each year.
- b. Outdoor dining areas may operate during normal business hours of the operating restaurant, but no later than 10:00pm.
- c. The operator of the outdoor dining area is responsible for keeping the premises, including the public sidewalk and any furnishings, clean at all times.

2) LOCATION: Seasonal outdoor dining areas may be located as follows:

- a. On public sidewalks adjacent to or abutting the indoor restaurant which operates the outdoor dining area, provided that:
 - i. The outdoor dining area shall extend no further than the actual street frontage of the operating restaurant unless written authorization of adjacent property owner(s) is provided.
 - ii. Outdoor dining areas shall provide not less than five (5) contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of eight (8) feet of unobstructed sidewalk. Obstructions shall include but not be limited to light poles, traffic signal poles, fire hydrants, utility structures and street signs. The dining area cannot obstruct the clear sight distance for vehicles nor access or crossings for the disabled.
- b. On off-street parking spaces, except ADA accessible spaces, associated with the operating restaurant, provided that:
 - i. Parking lot circulation, including emergency vehicle access, shall remain unencumbered.
 - ii. Protective barriers must be present. If an outdoor dining area will be used during the evening hours, the barriers must have reflective materials.
- c. On any lot, yard, court or open space abutting the area permitted for the operating restaurant, provided that:
 - i. The location is in a zone that permits restaurant uses.
 - ii. The location is in compliance with any applicable requirements for access or pathways pursuant to physical disability guidelines under the Americans with Disabilities Act.
- iii. The permittee obtains written authorization from the property owner.

3) DESIGN STANDARDS:

- a. Furnishings of the outdoor dining area shall consist solely of moveable tables, chairs and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.
- b. Awnings shall be adequately secured, retractable, and (if applicable) meet the provisions of the Manchester Downtown Architectural Guidelines as amended. Umbrellas over tables must be adequately weighted and shall not protrude into the vehicular travel way.
- c. Tables, chairs, and all other furnishings or accessories shall be properly secured or removed from the sidewalk and stored indoors whenever the outdoor dining area is not in operation.
- d. Outdoor heaters, busing stations, trash receptacles, and food preparation stations must be shown on the submitted site plan and approved by the Fire Marshal and/or Health Department.
- e. All planters, railings and fences within an outdoor dining area must be self-supporting. Railings, fences or other enclosures shall not be more than 42 inches in height. No fastening devices of any kind shall be permitted to affix any furnishing or appurtenances to the ground.

- f. Outdoor dining areas shall be at the same elevation as the public sidewalk or provide accessible egress. Platforms or other surfaces must be shown on the submitted site plan and approved.
- g. Signs: No sign shall be allowed at any outdoor dining area except for the name of the establishment on an awning or umbrella fringe. One menu board sign may be displayed within the area of the outdoor dining area, mounted on an easel or other easily removable fixture. The sign shall not exceed six (6) square feet.

4) PERMIT TERMS AND OTHER REQUIREMENTS:

- a. Seasonal outdoor dining area permits shall be issued for an operating period of one year. Thereafter the permit may be renewed on an annual basis provided a request is made for the renewal and after the zoning enforcement officer has made an inspection of the premises. The zoning enforcement officer may deny a permit to operate a seasonal outdoor dining area if the operator has a history of violations of any of the requirements governing outdoor dining areas or a failure to correct violations when duly noticed by the zoning enforcement officer.
- b. The zoning enforcement officer shall be empowered to notify the operator of a seasonal outdoor dining area that their permit has been revoked. If the zoning enforcement officer finds that the provisions of the seasonal outdoor dining area regulations are not being met by the operator, the operator shall correct the violations within one week of receiving written notice of violation. If the violations are not corrected within that time the permit will be revoked.
- c. Seasonal outdoor dining area permit applications will be reviewed for zoning compliance as well as any requirements of the Health and Building departments, Fire Marshal's Office, and Police Department. Any permit requirements of other agencies which regulate restaurants or the public right-of-way must be adhered to and a permit will not be issued if the applicant has not received approvals for the operation from other agencies having any jurisdiction on its operation.
- d. The outdoor dining area operator must also provide liability insurance in an amount determined by the director of finance, and must name the Town an additional insured in that policy. A permit shall not be issued until the insurance certificate is provided.
- e. Any operator aggrieved by any action of the zoning enforcement officer shall have a right to appeal to the Zoning Board of Appeals as set forth in Article V Section 5 of the Manchester zoning regulations.

The town reserves the right and power, acting through the General Manager or a designee, to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include but are not limited to festivals, parades, marches, road races, repairs to the street or sidewalk, utility repair, snow removal, or any other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the operation of the outdoor dining area will not be permitted by the Town but failure to give notice shall not affect the right and power of the Town to prohibit the outdoor dining area's operation at any particular time.

Permittee Name (Print)

Permittee Signature